

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

AUG 30 2010

JULIA C. DUDLEY, CLERK
BY: *WD*
DEPUTY CLERK

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that respondent's motion to dismiss is **GRANTED** and the above referenced 28 U.S.C. § 2254 petition is **DISMISSED** and this action is **STRICKEN** from the active docket of the court.

Further, finding that Cook has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The clerk is directed to send copies of this Order and the accompanying Memorandum
Opinion to petitioner and counsel for respondent. 

ENTER: This August 30, 2010.

